

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: BANK OF AMERICA WAGE AND HOUR
EMPLOYMENT PRACTICES LITIGATION**

MDL No. 2138

(SEE ATTACHED SCHEDULE)

**SEPARATION OF CLAIMS AND
CONDITIONAL REMAND ORDER**

The transferee court in this litigation has advised the Panel that certain specified claims in the actions on the attached schedule are not appropriate for inclusion in this litigation and that remand of those claims to the respective transferor courts, as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the following individual claims in the civil actions listed on the attached schedule be separated and remanded to their respective transferor courts:

In *Carrero*: Count II (violation of the FMLA); Counts III and IV (FLMA retaliation); and Counts V and VI (defamation).

In *Kauffman*: Count VII (violation of the California Fair Employment & Housing Act); Count VIII (disability discrimination under FEHA); Count IX (retaliatory termination); and Count X (defamation).

In *Zhou*: Count VI (failure to pay or race discrimination under FEHA); Count VII (violation of California Family Rights Act); Count VIII (retaliatory termination); and Count IX (libel).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the District of Kansas.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the District of Kansas with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleadings or other matter filed so as to enable said Clerk to comply with the order of remand.

Inasmuch as no objection is pending at this time, the stay is lifted.

Jan 20, 2011

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

**IN RE: BANK OF AMERICA WAGE AND HOUR
EMPLOYMENT PRACTICES LITIGATION**

MDL No. 2138

SCHEDULE FOR CRO

TRANSFeree			TRANSFEROR			CASE CAPTION
<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	
KS	2	10-02231	CAN	3	09-04016	Jennifer Zhou v. Bank of America, N.A.
KS	2	10-02229	CAN	3	09-04114	Virginia Kauffman, et al. v. Bank of America, N.A.
KS	2	10-02216	FLM	6	09-00862	Vicky Carrero, et al. v. Bank of America, N.A.